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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,161	03/23/2004	Toshiya Shozaki	018775-884	4323

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EXAMINER	
WASHINGTON, JAMARES	

ART UNIT	PAPER NUMBER
2609	

MAIL DATE	DELIVERY MODE
05/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/720,161	SHOZAKI ET AL.	
	Examiner	Art Unit	
	Jamares Washington	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 March 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :02/07/2006, 10/19/2005, 11/25/2003.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment received on November 25, 2003 and submission of drawing received on March 23, 2004 has been entered. Claim 20 has been amended to correct a typographical error. Figure 22 has been entered and accorded the March 23, 2004 filing date.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

3. The drawings are objected to because Fig. 22 is not of sufficient quality. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be

renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims rejected under 35 U.S.C. 102(b) as being anticipated by Noboru Koyama (US 5978551 A).

Regarding claim 1, Koyama discloses an image processing apparatus ("...print data generating apparatus..." at column 1 line 7) which acquires code data of a plurality of images from an external recording medium ("...reading out plural picture data from a recording medium..." at column 1 line 53) recording hierarchically encoded data of the plurality of images in the unit of hierarchically encoding ("...recording medium including. e.g., high resolution picture file..., intermediate resolution picture file..., and index picture file..." at column 1 line 64) the apparatus comprising:

an input interface which receive[s] signals from an external recording medium ("...read-out means for reading out plural picture data from a recording medium..." at column 1 line 53);

an input controller which acquires the code data by said input interface first only at a low level of the unit of hierarchical encoding from the external recording medium over the plurality of images ("...control means for controlling the read-out means..." at column 1 line 59. Fig. 33 "At step s14, the system controller 6 controls the disc recording/reproduction section 5c...so as to read out all the picture data recorded in the index file..." at column 39 line 31. "...the picture index file is [a] set of index picture data (low resolution picture data)" at column 34 line 41);

a decoder which decodes the code data acquired by said input controller ("...picture processing circuit 12 for implementing picture processing such as expansion processing..." at column 9 line 18);

and a storage device which stores data decoded by said decoder (Fig. 4 numeral 11 (main memory)).

Regarding claim 2, Koyama discloses the image processing apparatus according to claim 1, wherein the low level of the unit of hierarchical encoding is the lowest level (Fig. 18(c) "...index picture data within the index picture file..." at column 26 line 1. Lowest resolution picture data as compared to the intermediate and high resolution described within the reference.)

Regarding claim 3, Koyama discloses the image processing apparatus according to claim 1, wherein said input controller acquires the code data first only at a plurality of levels including the lowest level of the unit of hierarchical encoding from the external recording medium over the plurality of images (as rejected in claim 1 above: high, intermediate and low resolution picture data).

Regarding claim 4, Koyama discloses the image processing apparatus according to claim 1, further comprising a print engine which prints an image based on data decoded by said decoder ("...the high resolution picture data are recorded as high resolution picture file for print for carrying out print of picture according to the high resolution picture data" at column 15 line 19. Fig. 1 numeral 2 "printer unit").

Regarding claim 5, Koyama discloses the image processing apparatus according to claim 1, further comprising:

an index maker which makes an index image on the plurality of images based on the data at a low level of the unit of hierarchical encoding on the plurality of images ("...and controls the picture formation means so as to form the print picture data from all the index picture data..." at column 5 line 8 and Fig. 40);

a print engine which prints the index image received from said index maker (printer unit as rejected above);

an operational device which instructs to make an index to said index maker ("...an operation unit 10 for designating taking-in...and print, etc of the picture data..." at column 8 line 48);

and a controller which allows to activate said index maker when instructed by said operational device after data acquisition of the data at a low level of the unit of hierarchical encoding is completed (Fig.1 numeral 6 "system controller. "...since the formation of the new directory is designated, the system controller 6 judges the number of existing picture directories...to attach directory No. of the new directory, and to form picture data management file and picture index file..." at column 39 line 23. Following the flow chart depicted in Fig. 32, after the data has been acquired, the data is then designated to a new directory where it is indexed).

Regarding claim 6, Koyama discloses the image processing apparatus according to claim 5, wherein said image input controller continues to receive data at higher levels of the unit of hierarchical encoding for each of the plurality of images, after the data acquisition of the data at a low level of the unit of hierarchical encoding is completed (Fig. 34 shows after the picture data

of index file (lowest level of encoding) has been read-out into main memory, recording of high, intermediate, and low picture data is performed).

Regarding claim 7, Koyama discloses the image processing apparatus according to claim 5, further comprising a display device which displays a state of data acquisition of the code data divided by levels of the unit of hierarchical encoding ("...the system controller 6 carries out display control of monitor unit 9 so as to display picture to select the recording mode of picture to be recorded..." at column 38 line 17. Fig. 32 numeral s6).

Regarding claim 8, Koyama discloses the image processing apparatus according to claim 5, further comprising a print engine which prints the index image received from said index maker (Fig. 1 numeral 2 "Printer Unit". "The index print described below means an operation for printing index pictures..." at column 59 line 9).

Regarding claim 9, Koyama discloses the image processing method performed by the apparatus as rejected in claim 1 above.

Regarding claim 10, Koyama discloses the image processing method performed by the apparatus as rejected in claim 2 above.

Regarding claim 11, Koyama discloses the image processing method performed by the apparatus as rejected in claim 3 above.

Regarding claim 12, Koyama discloses the image processing method performed by the apparatus as rejected in claim 5 above.

Regarding claim 13, Koyama discloses the image processing method performed by the apparatus as rejected in claim 6 above.

Regarding claim 14, Koyama discloses the image processing method performed by the apparatus as rejected in claim 7 above.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noboru Koyama (US 5978551 A) in combination with well-known principles in the art of image processing.

Regarding claims 15-21, Koyama discloses the image processing method and apparatus as rejected in claims 1-14 above.

Koyama fails to teach a computer readable recording medium which records an image processing program for performing the method as rejected in claims 9-14 above.

However, it is clear from the disclosure of the reference that the processing method is carried out by an image processing apparatus. It is well known in the image processing arts that a computer implemented method performed by an apparatus must receive "instructions" from a program residing on a computer readable "recording" medium in order for the apparatus to be operational. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a computer readable recording medium which records an image processing program for performing the above method, in the invention disclosed by Koyama, to make the apparatus operational. (Official Notice)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamares Washington whose telephone number is (571) 270-1585. The examiner can normally be reached on Monday thru Friday: 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Werner can be reached on (571) 272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jamares Washington
Junior Examiner
Art Unit 2609

JW

04/26/07

BRIAN WERNER
SUPERVISORY PATENT EXAMINER